

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 12-03490 PSG	DATE FILED 7/10/2012	U.S. DISTRICT COURT 280 South First Street
PLAINTIFF TRIC TOOLS INC		DEFENDANT TT TECHNOLOGIES INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6305880		SEE ATTACHED COMPLAINT
2 6524031		
3 6793442		
4 6799923		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK Richard W. Wicking	(BY) DEPUTY CLERK Betty Walton	DATE July 10, 2012

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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FILED

JUL 03 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRIC TOOLS, INC.,

Plaintiff,

vs.

TT TECHNOLOGIES, INC., and

TRACTO-TECHNIK GMBH & CO., KG,

Defendants.

Case No.

CV 12 3490

PSG

COMPLAINT FOR:

PATENT INFRINGEMENT,

AND

INDUCING PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff TRIC Tools, Inc. alleges:

I. THE PARTIES

(1)

TRIC Tools, Inc. ("TRIC") is a California corporation, with its principal place of business in Oakland, CA.

(2)

TT Technologies, Inc. ("TT") is an Illinois corporation, with its principal place of business in Aurora, IL.

(3)

The Illinois Secretary of State's records indicated TT's agent for service of process is Jennifer Susan Brahler, 552 S. Washington Street, Ste. 100, Naperville, IL 60540.

(4)

On information and belief, Tracto-Technik GmbH & Co., KG is a German corporation, with its principal place of business in Lennestadt-Saalhausen, Germany.

(5)

Tracto-Technik GmbH & Co., KG also does business as the "TT-Group," and will be referred to as TT-Group hereafter.

(6)

On information and belief, TT is a wholly owned subsidiary of TT-Group.

(7)

On information and belief, TT-Group manufactures products for TT that infringe on Plaintiff's Patents.

(8)

On information and belief, TT-Group owns, controls, has the power to direct, and directs the activities of TT.

(9)

On information and belief, TT acts as agent on behalf of TT-Group in selling products that infringe on Plaintiff's Patents.

(10)

On information and belief, TT-Group is the alter ego of TT because the companies' assets are comingled, their operations are intertwined, and TT-Group exercise complete dominion and control over TT.

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II. NATURE OF THE CASE

(11)

This is an action arising under the Patent Laws and Statutes of the United States in which TRIC seeks to recover for patent infringement, for inducing patent infringement, and for any and all damages and costs flowing therefrom.

III. JURISDICTION

(12)

This Court has exclusive jurisdiction of the patent infringement claim and the inducement of patent infringement claim pursuant to the Patent Laws and Statutes of the United States (35 U.S.C. §§271, *et seq.* and §281, including 28 U.S.C. §§1331, 1338, 2201-2202).

IV. VENUE

(13)

Venue is proper in this district under 28 U.S.C §§1391 and 1400.

(14)

On information and belief, TT maintains an agent to sell its infringing products in Redwood City, San Mateo County, CA—Collins Orton.

(15)

On information and belief, TT has purposefully directed its activities in this district, including selling its infringing products to businesses and entities including selling TT's equipment in Santa Rosa, Eureka, San Francisco, and South San Francisco.

(16)

TT's and TT-Group's actions in this district have resulted in injuries to TRIC.

V. GENERAL ALLEGATIONS

(17)

TRIC is the owner of United States Patents No. 6305880, issued October 23, 2001; 6524031, issued February 25, 2003; 6793442, issued September 21, 2004; and 6799923, issued October 5, 2004 ("the Patents").

1 (18)

2 Patent 6,524,031 was reexamined and determined valid by the United States Patent and
3 Trademark Office on March 18, 2008.

4 (19)

5 The Patents concern, *inter alia*, trenchless pipe replacement devices and methods.

6 (20)

7 TRIC has complied with the statutory requirement of placing a notice of the Letters
8 Patent on equipment it manufactures and sells.

9 (21)

10 TRIC has sent written notice of TT's and TT-Group's infringement of TRIC's patents and
11 offered to license TRIC's patents to TT and TT-Group.

12 (22)

13 TT and TT-Group manufacture products that infringe on TRIC's patents, and reexamined
14 claims.

15 (23)

16 TT sells products that infringe TRIC's Patents directly to companies and individuals
17 throughout the United States and in foreign countries.

18 (24)

19 On information and belief, through using TT, TT-Group sells products that infringe
20 TRIC's Patents directly to companies and individuals throughout the United States.

21 (25)

22 TT and TT-Group's infringement is willful because:

23 (a) TRIC disclosed its technology to TT and TT-Group pursuant to a non-disclosure
24 agreement ("NDA") executed by Collins Ortin, who was then TT's California sales manager;

25 (b) TRIC only disclosed its technology to TT and TT-Group pursuant to the NDA
26 because Mr. Ortin represented TT and TT-Group were interested in licensing TRIC's technology;

27 //

1 (c) TT and TT-Group manufactured an infringing product, which they named the
2 “Grundotugger,” shortly after receiving TRIC’s technology;

3 (d) after learning that TT and TT-Group were manufacturing infringing equipment,
4 TRIC notified them of the infringement, and offered to enter into a license with them; and

5 (e) TT and TT-Group refused to enter into a license, and refused to cease
6 manufacturing infringing products.

7 IV. CLAIMS

8 COUNT I: Patent Infringement

9 (26)

10 TRIC incorporates and re-alleges all allegations of all paragraphs of the General
11 Allegations, as if set out verbatim at length.

12 (27)

13 TT and TT-Group have infringed, and are still infringing, TRIC’s Patents by making,
14 selling, offering for sale, and using equipment that embodies the patented invention and
15 reexamined claims, and TT and TT-Group will continue to do so unless enjoined by this Court.

16 (28)

17 TRIC has suffered damages from the infringement of the Patents by TT and TT-Group,
18 and will suffer additional damages unless TT and TT-Group are enjoined by the Court from
19 continuing to infringe the Patents.

20 (29)

21 On information and belief, the infringement of the Patents by TT and TT-Group have
22 been willful and deliberate, thus warranting an increase of the damages recoverable by TRIC
23 under the provisions of 35 U.S.C. §284, in an amount up to three times the actual damages
24 sustained by TRIC, and also making this an exceptional case within the meaning of 35 U.S.C.
25 §285.

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COUNT II: Actively Inducing Patent Infringement

(30)

TRIC incorporates and re-alleges all allegations of all paragraphs of the General Allegations, as if set out verbatim at length.

(31)

TT and TT-Group have infringed, and are still infringing, TRIC's Patents by making, selling, offering for sale, and using equipment that embodies the patented inventions and reexamined claims, and TT and TT-Group will continue to do so unless enjoined by this Court.

(32)

On information and belief, when TT and TT-Group make, sell, and/or offer to sell embodiments of the inventions of the Patents, TT and TT-Group provide accompanying documents, written instructions, and/or other instructions, on how to operate the embodiments of the invention of the Patents.

(33)

On information and belief, TT and TT-Group were, and are, aware that such documents, written instructions, and/or other instructions, are inducing persons to infringe the claims of the Patent and reexamined claims, and TT and TT-Group thereby have actively induced and/or are actively inducing persons to infringe the claims of the Patents.

(34)

TRIC has suffered damages from TT's and TT-Group's active inducement of infringement of the Patents, and will suffer additional damages unless TT and TT-Group are enjoined by the Court from continuing to infringe the Patents.

(35)

On information and belief, TT's and TT-Group's infringement of the Patents have been willful and deliberate, thus warranting an increase of the damages recoverable by TRIC under the provisions of 35 U.S.C. §284, in an amount up to three times the actual damages sustained by TRIC, and also making this an exceptional case within the meaning of 35 U.S.C. §285.

V. RELIEF

Wherefore, TRIC prays for:

- (a) a decree and judgment against TT Technologies, Inc., Tracto-Technik GmbH & Co., KG, and all in privity with them, that the Patents are valid and enforceable;
- (b) a decree and judgment against TT Technologies, Inc., Tracto-Technik GmbH & Co., KG, and all in privity with them, that the Patents are, and have been, infringed by TT Technologies, Inc., and Tracto-Technik GmbH & Co., KG, and that TT Technologies, Inc. and Tracto-Technik GmbH & Co., KG are liable as patent infringers;
- (c) a decree and judgment against TT Technologies, Inc., Tracto-Technik GmbH & Co., KG, and all in privity with them, that the Patents are, and have been, infringed by active inducement of infringement by TT Technologies, Inc. and Tracto-Technik GmbH & Co., KG, and that TT Technologies, Inc. Tracto-Technik GmbH & Co., KG are liable as active inducers of infringement;
- (d) a preliminary and final injunction against the continuing infringement;
- (e) an accounting for, and an assignment of, an award of profits derived by TT Technologies, Inc., and Tracto-Technik GmbH & Co., KG, and damages suffered by TRIC Tools, Inc., in consequence of patent infringement and the active inducement of patent infringement;
- (f) a decree and judgment against TT Technologies, Inc. and Tracto-Technik GmbH & Co., KG trebling the profits derived by TT Technologies, Inc. and Tracto-Technik GmbH & Co., KG, and damages suffered by TRIC pursuant to 35 U.S.C. §284;
- (g) reasonable attorneys' fees as provided by 35 U.S.C. §285;
- (h) costs of suit;
- (i) prejudgment interest at the maximum rate allowed by law;

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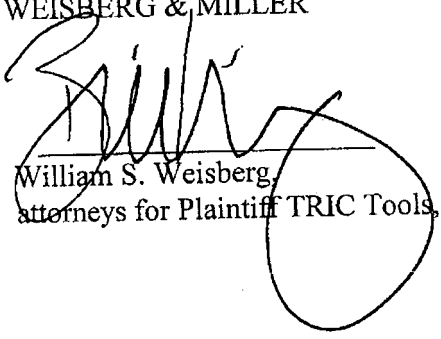
- 1 (j) post judgment interest at the maximum rate allowed by law, from the date of the
2 judgment until paid; and
3 (k) any such other and further relief that the Court considers necessary and proper.

4 **V. DEMAND FOR JURY TRIAL**

5 In accordance with Civil Local Rule No. 3-6, TRIC requests for a trial by jury.

6
7 Law Offices of
WEISBERG & MILLER

8
9 July 3, 2012

10 By: 
11 William S. Weisberg
12 attorneys for Plaintiff TRIC Tools, Inc.